

Application S/N 10/631,234  
Amendment Dated: August 31, 2005  
Response to Office Action dated: June 9, 2005

CE11265JI111

### REMARKS/ARGUMENTS

Claims 1-3, 5-12 and 14-17 remain pending in the application, as claims 4 and 13 have been canceled without prejudice. In the Office Action, claims 1-3, 7, 8, 10-12, 16 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,987,332 to Gettleman, et al. (Gettleman). In addition, claims 4, 6, 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gettleman in view of U.S. Patent No. 5,995,500 to Ma, et al. (Ma). Finally, claims 5 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gettleman in view of Ma and further in view of U.S. Patent No. 6,070,070 to Ladue (Ladue).

A brief summary of the Gettleman and Ma references may be helpful here. Gettleman discloses a method of providing a subscriber unit with neighbor cell information during ongoing communication. In particular, a subscriber to a radio communication system acquires new neighbor cell information after switching to a new server site during lulls in an ongoing communication session. The new server site broadcasts neighbor cell list information during lulls in the communication activity on the communication channel in an unsolicited or solicited manner. As pointed out by the Examiner, Gettleman mentions nothing about transmitting a notification that a party is attempting to contact at least one of a set of callers.

Ma discloses a method and apparatus for direct communication between mobile stations. Specifically, two mobile stations may communicate with one another through a conventional interconnect system in which the communications are handled by a mobile switching center (MSC). In one aspect of the invention, the MSC may determine that the mobile stations are within a certain range of one another. If they are, the MSC

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places the mobile stations in direct communication mode by designating traffic channels that enable the mobile stations to communicate directly with each other, i.e., without the assistance of a network. The mobile stations appear to communicate with one another in this direct communication mode through a simplex channel.

If a call waiting signal is received from the interconnect communications network, the MSC instructs the mobile stations to switch to an indirect mode, a mode where the mobile stations communicate with one another through the interconnect network. Once communications have been established between the mobile stations and the interconnect network, the MSC delivers the call waiting signal to the appropriate mobile station (see col. 10, lines 3-62). It is important to note that this call waiting signal is not delivered to the mobile station(s) during a dispatch mode and the signal from the MSC directing the mobile stations to switch to indirect mode is not a user-recognizable notification, i.e., the user cannot perceive the change in communications mode.

Independent claims 1, 9 and 10 have been amended to clarify that a user-recognizable notification that a party is attempting to contact at least one of the set of callers is transmitted during a dispatch call in a dispatch system. Support for these amendments can be found on page 18, line 13 to page 9, line 19 of the application. No new matter has been added in view of these amendments.

As noted earlier, Gettleman mentions nothing about transmitting such notifications. Moreover, Ma does not disclose the transmission of a user-recognizable notification during a dispatch call, which can inform one or more of the callers that someone is attempting to reach him or her. At best, Ma discloses the transmission of a signal from an MSC instructing the mobile stations to switch over to an interconnect

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network to receive a call waiting message. As such, Ma has not provided a solution to transmitting call notification messages over a dispatch channel, as in the current invention. The solution in Ma is complicated and involves switching between two separate communication modes, which is inefficient and may produce more dropped calls. Even worse, users of the mobile stations in Ma are given no choice as to whether they wish to continue with their direct communication mode, as the MSC automatically connects their mobile stations in the indirect mode to receive the call waiting message. In the present invention, dispatch communications are not dropped to receive the notification.

In view of the above, Applicants believe that independent claims 1, 9 and 10 are patentable over the prior art. Applicants also believe that those claims that depend from independent claims 1, 9 and 10 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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